

1 **STIP**
2 **BRIAN J. SMITH, ESQ.**
3 **State Bar Number 11279**
4 **9525 Hillwood Dr., Suite 190**
5 **Las Vegas, Nevada 89134**
6 **702-380-8248**
7 **Attorney for BARROW**

8 **UNITED STATES DISTRICT COURT**

9 **IN AND FOR THE DISTRICT OF NEVADA**

10 **UNITED STATES OF AMERICA,**

11 **Plaintiff,**

12 **vs.**

13 **ROBERT BARROW,**

14 **Defendants.**

15 **Case No.: 2:13-cr-00185-MMD-VCF**

16 **STIPULATION TO EXTEND TIME TO**
17 **REPLY TO GOVERNMENT'S**
18 **RESPONSE TO DEFENDANT'S**
19 **MOTION TO SUPPRESS AND**
20 **REQUEST FOR EVIDENTIARY**
21 **HEARING (Doc. #140)**

22 *Certification:* This stipulation is filed pursuant to General Order 2007-04.

23 IT IS STIPULATED between the defendant ROBERT BARROW through his
24 attorney BRIAN J. SMITH, ESQ., and the United States of America, through CRISTINE
25 SILVA, Assistant United States Attorney, agree that the deadline to reply to the
26 government's response to defendant's motion to suppress and request for evidentiary
27 hearing (Doc. #140), and the hearing on said motion be continued to a date and time
28 convenient to this court, but in no event earlier than thirty (30) days.

This Stipulation is entered into pursuant to General Order 2007-04 and based
upon the following:

1. There have been no previous continuances granted to the defense in this case.
2. Counsel was appointed on August 28, 2015.
3. The defense will require more time to complete said reply.
4. The parties agree to the continuance.

5. Denial of this request for continuance would deny the defendant sufficient time to be able to fairly resolve his case, taking into account the exercise of due diligence.
6. Also, denial of this request or continuance would result in a miscarriage of justice.
7. For the above stated reasons, the parties agree that a continuance of the calendar call and trial date would best serve the ends of justice in this case.
8. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).
9. This is the first request for a continuance.

DATED this 4th day of September, 2015.

RESPECTFULLY SUBMITTED BY:

/s/ Cristine Silva
CRISTINE SILVA
Assistant United States Attorney

/s/ Brian J. Smith
BRIAN J. SMITH
Attorney for BARROW

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14 **vs.**)

15 **ROBERT BARROW,**)

16 **Defendants.**)

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19 **FINDINGS OF FACT**

20 Based upon the submitted Stipulation, and good cause appearing therefore, the
21 Court finds that:

- 22 1. Counsel was appointed on August 28, 2015.
23 2. The defense will require additional time to prepare reply.
24 3. This stipulation complies with General Order 2007-04.

25 **CONCLUSIONS OF LAW**

- 26 1. Denial of this request for continuance would deny the defense herein
27 sufficient time and the opportunity within which to be able to effectively and
28

1 thoroughly research and prepare this case, taking into account the exercise
2 of due diligence.

3 2. Additionally, denial of this request for continuance would result in a
4 miscarriage of justice.

5 3. For all of the above stated reasons, the ends of justice would best be
6 served by a continuance of the trial date, and such continuance outweighs
7 the best interest of the public and the defendant to a speedy trial.

8 4. The additional time requested by the stipulation, is excludable in computing
9 the time within which the trial herein must commence pursuant to the
10 Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under
11 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

12 5. This is the first request for a continuance.

13 **ORDER**

14 **IT IS ORDERED** that the reply deadline currently scheduled August 30, 2015, at
15 be vacated and reset to October 8, 2015.

16 IT IS SO ORDERED:



17 UNITED STATES ~~DISTRICT~~ JUDGE
18 Magistrate

19 DATED: September 8, 2015
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